



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 9358-22

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to make certain conforming changes to his DD Form 214 following his discharge for a personality disorder.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 8 March 2023, and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review the application on its merits.

c. The Petitioner originally enlisted in the Navy and began a period of active service on 16 March 1977. Petitioner was honorably discharged, on 28 February 1983, and immediately reenlisted for additional active duty service beginning 1 March 1983.

d. On 8 April 1986, Petitioner underwent a mental health evaluation. Petitioner's command referred him for the evaluation after Petitioner reportedly threatened to do whatever necessary to

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get out of the Navy (e.g. criminal acts) despite his EAOS of 28 December 1987. The Navy Medical Officer (NMO) diagnosed Petitioner with a mixed personality disorder with anti-social and immature traits. The NMO recommended Petitioner's expeditious administrative separation to prevent future anti-social acting out incidents which may put others in danger. The NMO noted that Petitioner was competent and responsible for his behavior.

e. On 25 June 1986, Petitioner's command initiated administrative separation proceedings by reason of convenience of the government on the basis of his diagnosed personality disorder. On 26 June 1986, Petitioner waived his rights to consult with counsel, submit a statement on his own behalf, and to request an administrative separation board. Ultimately, on 18 July 1986, Petitioner was discharged from the Navy for a personality disorder with an "Honorable" characterization of service and assigned an RE-4 reentry code. The narrative reason for separation listed on Petitioner's DD Form 214 specifically stated: "Other Physical/Mental Condition - Personality Disorder."

CONCLUSION:

Upon review and liberal consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief.

In keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior disorder. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as being for a mental health-related condition and that certain remedial administrative changes were warranted to the DD Form 214.

Notwithstanding the recommended corrective action below, the Board did not find a material error or injustice with the Petitioner's RE-4 reentry code. The Board concluded the Petitioner was assigned the correct reentry code based on the totality of his circumstances, and that such reentry code was proper and in compliance with all Navy directives and policy at the time of his discharge.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

That Petitioner's separation authority be changed to "MILPERSMAN 1910-164," the separation code be changed to "JFF," and the narrative reason for separation should be changed to "Secretarial Authority."

Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty.

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[REDACTED]

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/20/2023

[REDACTED]
Executive Director
[REDACTED]